

**NOTICE OF PROPOSED ACTION
TO THE
BUILDING STANDARDS
OF THE
CALIFORNIA ENERGY COMMISSION**

**REGARDING THE BUILDING ENERGY EFFICIENCY STANDARDS
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1 and PART 6**

**MINOR AMENDMENTS TO UPDATE TO CURRENT VERSION OF NATIONAL
FENESTRATION RATING COUNCIL (NFRC) RATING AND LABELING PROCEDURES**

Notice is hereby given that the California Energy Commission proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 6 and associated administrative regulations in Part 1. The Energy Commission is proposing minor building standards amendments to update to current NFRC rating and labeling procedures for windows (fenestration).

PUBLIC COMMENT PERIOD

The California Energy Commission's Energy Efficiency Committee will hold a public hearing at the following time, date, and address to receive public comments on possible limited amendments (see Express Terms) to the Building Energy Efficiency Standards. At this hearing, any person may present statements or arguments relevant to the proposed regulatory action summarized below.

PUBLIC HEARING BEFORE THE ENERGY EFFICIENCY COMMITTEE

Wednesday, November 13, 2002
10 AM
CALIFORNIA ENERGY COMMISSION
Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair Accessible)

Written comments will be accepted regarding the proposed changes until the adoption date as described below.

The Energy Efficiency Committee may hold another hearing after that date if it deems necessary. The hearing before the full Energy Commission for final adoption of 45-Day Language will be held on the date below unless the Commission decides to make substantive changes to the Express Terms through 15-Day Language, in which case the public hearing will be continued to a later noticed date.

PROPOSED ADOPTION DATE – FULL COMMISSION HEARING

December 11, 2002
10 AM
CALIFORNIA ENERGY COMMISSION
Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair Accessible)

If the Energy Commission decides to propose 15-Day Language modifications to the Express Terms, separate notice of the adoption hearing for the 15-Day Language will be provided.

AUTHORITY AND REFERENCE

The California Energy Commission proposes to adopt these building standards amendments under the authority granted by Public Resources Code Sections 25402 and 25402.1. The Energy Commission is authorized by these statutes to adopt and periodically update standards for energy efficiency in buildings.

The Energy Commission proposes amendments to Title 24, Part 1, Sections 10-102, 10-111(a)1.B., 10-111(a)1.C., and 10-111(a)1.E., and Title 24, Part 6, Sections 101(b), 116(a)1., 116(a)2.A., 141(c)5., and Appendix 1-A.

INFORMATIVE DIGEST

The Building Energy Efficiency Standards adopt the National Fenestration Rating Council's (NFRC) rating and labeling procedures by reference. Virtually all windows installed in buildings subject to the Standards follow those procedures. The current Standards reference 1995, 1997, and 2000 versions of the procedures. NFRC recently adopted the 2002 versions of the procedures, which are technical improvements of the previous procedures. NFRC will allow windows (fenestration) to be labeled with the new procedures starting April 1, 2003, and will require all windows to use the new procedures starting April 1, 2004. This rulemaking proceeding is required to update the Standards to recognize the updated NFRC procedures. The rulemaking will result in a minor reduction in the stringency of the Standards for some windows and virtually no change in stringency for other window products.

Summary of Existing Laws

There are no related laws.

Summary of Existing Regulations

See Informative Digest

Summary of Effect

See Informative Digest

Comparable Federal Statute or Regulations

There are no comparable federal statutes or regulations

Policy Statement Overview

See Informative Digest

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

Public Resources Code Section 25402 requires the Energy Commission to periodically update its Building Energy Efficiency Standards and Section 25402.1 requires the Commission to maintain an ongoing program of training and technical assistance to implement the Standards. An important part of the implementation of the Standards is maintenance of effective rating and labeling of windows.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Energy Commission has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS Form 399

The Energy Commission expects that the proposed amendments will not result in significant costs or savings to any state agency, local agency, or school district.

- A. Cost or Savings to any state agency: **No**
- B. Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **No**
- E. Cost or savings in federal funding to the state: **No**

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The Energy Commission has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. The amendments are no more than a necessary update of the window-rating provisions of the standards to correspond to changing NFRC procedures that are incorporated by reference into the standards. The changes do not increase the stringency of the performance standards or the cost of compliance.

A description of all cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action

Adoption of the proposed amendments are expected to result in either minor reduction in costs or no costs to private persons or businesses. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statement of the result of the assessment of the potential for adverse economic impact on California enterprise and individuals, avoiding the imposition of unnecessary or unreasonable regs or reporting, record keeping, or compliance requirements per Gov Code Section 11346.3(b)

The Energy Commission finds that adoption of these amendments will have no adverse economic impacts on California enterprise or individuals. There are no changes in record keeping or reporting.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

The amendments require no additional reports by private business.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The Energy Commission has assessed whether or not and to what extent this proposal will affect the following:

- ☐ The creation or elimination of jobs within the State of California.
No impact
- ☐ The creation of new businesses or the elimination of existing businesses within the State of California.
No impact
- ☐ The expansion of businesses currently doing business with the State of California.
No impact

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Energy Commission has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Energy Commission has determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Energy Commission website:

http://www.energy.ca.gov/nfrc_rulemaking

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the Energy Commission website.

ENERGY COMMISSION CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to

Tony Rygg
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-25
Sacramento, CA 95814
(916) 653-7271
email: trygg@energy.state.ca.us

CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to

Tony Rygg
Project Manager
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-25
Sacramento, CA 95814
(916) 653-7271
Email: trygg@energy.state.ca.us

If Mr. Rygg is not available, contact

Elaine Hebert
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-25
Sacramento, CA 95814
(916) 654-4800
Email: ehebert@energy.state.ca.us

WRITTEN COMMENT PERIOD/AVAILABILITY OF DOCUMENTS/CONTACT PERSONS

This rulemaking proceeding is scheduled to start with the publication of this Notice of Proposed Action (NOPA) by October 25, 2002. Any interested person may comment, either orally or in writing, until the adoption hearing scheduled December 11, 2002, or up to the date of final adoption if it is later. Please submit written comments to dockets at

CALIFORNIA ENERGY COMMISSION
Attention: Docket No. 02-NFRC-1
Dockets Office
1516 Ninth Street, MS-4
Sacramento, CA 95814

Comments may also be filed electronically by emailing trygg@energy.state.ca.us or FAXing them to 916/654-4304.

The Energy Commission has prepared an Initial Statement of Reasons (ISOR). Interested persons may request, from the contact person listed below, copies of the ISOR, the Express Terms, or other materials related to this rulemaking by visiting www.energy.ca.gov/nfrc_rulemaking or calling, FAXing, emailing, or writing to

Chris Fultz
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-25
Sacramento, CA 95814
(916) 654-4064
Fax (916) 654-4304
Email: cfultz@energy.state.ca.us

For assistance in participating in the rulemaking proceeding, please contact the Commission's Public Adviser, Roberta Mendonca, at (916) 654-4489, toll free (800) 822-6228, or by email at pao@energy.state.ca.us.

If you have a disability and require special accommodations, please contact Lou Quiroz at (916) 654-5146 (five days prior to the public hearing).

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Interested persons should be aware that any of the provisions of the amendments under consideration by the Commission could be substantively changed as a result of public comment, staff recommendations, or conclusions of the Commission's Energy Efficiency Committee. Also, additional language not indicated in the Express Terms could be added if it is within the scope of the rulemaking proceeding. If the Commission makes substantive changes to the Express Terms, it will make the full text of the modified amendments available to the public at least 15 days before adoption, as required by Government Code 11346.8.

FINAL STATEMENT OF REASONS

If the proposed amendments are adopted, the Commission will prepare a Final Statement of Reasons. This document will update the Initial Statement of Reasons and respond to public comments. This document can be obtained after the conclusion of the rulemaking by contacting Chris Fultz at (916) 654-4064 or by email at cfultz@energy.state.ca.us.

WEBSITE INFORMATION

The Initial Statement of Reasons, Express Terms, this Notice, and any 15-day language issued subsequently can be accessed at the Commission's website at www.energy.ca.gov/nfrc_rulemaking.